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In re Application of
Bonnot et al.
Application No.: 10/552,546
PCT No.: PCT/FR04/50160
Int. Filing Date: 14 April 2004
Priority Date: 17 April 2003
Attorney Docket No.: BEAUMONT-26
For: Carbon Nanotube Growth Method

DECISION

This is in response to the petition under 37 CFR 1.181 filed on 13 August 2007.

BACKGROUND

This international application was filed on 14 April 2004, claimed an earliest priority date of 17 April 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 04 November 2004. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 17 October 2005. On 12 October 2005, applicants filed *inter alia* the basic national fee.

On 11 August 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 03 August 2007, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification of Missing Requirements mailed on 11 August 2006.

DISCUSSION

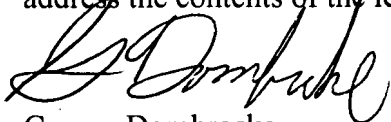
Petitioner requests withdrawal of the holding of abandonment because a suitable response allegedly was filed on 24 August 2006. Review of the electronic application file reveals that a declaration which complies with 37 CFR 1.497(a) and (b) and which was filed on 24 August 2006 is present in the file. Further review of Office records (including the copy of the response accompanying the petition) shows that the response in question was directed to application no. 10/552,545 instead of the instant application number. Consequently, counsel's check was applied to application no. 10/552,545 rather than the instant case. To correct this defect, a petition (and fee) under 37 CFR 1.182 is required.

CONCLUSION

The petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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